

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GREG GUNTHER,)	
)	
Plaintiff,)	
)	
v.)	C.A. No.
)	
CBI/EQUIFAX CREDIT REPORTING)	
AGENCY,)	
)	
Petitioner/Defendant.)	

NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1446(a)

Pursuant to 28 U.S.C. §1446(a), Petitioner/Defendant Equifax Information Services LLC, (“Equifax”), incorrectly named in the above-styled action as “CBI/Equifax Credit Reporting Agency,” respectfully submits this notice of removal of this action from the Justice of the Peace Court No. 9 in and for New Castle County, Delaware (the “State Court”), in which this action is currently pending, to the United States District Court for the District of Delaware. In support of this notice of removal, Equifax hereby states the following:

1. Equifax is the defendant in the matter entitled Greg Gunther v. CBI/Equifax Credit Reporting Agency, Civil Action No. J0603002709, filed in the State Court.
2. Plaintiff Greg Gunther (“Plaintiff”), appearing *pro se*, filed his complaint (the “Complaint”) on or about March 9, 2006. Equifax received service of the Complaint on or about April 14, 2006 via certified mail. A true and correct copy of the Complaint is attached hereto as Exhibit A.

3. The Complaint represents all process and pleadings received by Equifax, and to the knowledge of Equifax, no hearings or other proceedings have taken place in this action.

4. Plaintiff claims that Equifax “at this time is reporting false information on [his] credit file,” and that on “numerous occasions [Plaintiff] contacted [Equifax] with the dispute[d] information in an attempt to remove the information from [his] credit file.” See Compl. ¶ 1. Plaintiff further claims that “Equifax for no just reason refused to remove the information.” Id. Plaintiff seeks to recover \$14,000.00 in damages and attorney’s fees (despite the fact that Plaintiff filed suit *pro se*), allegedly resulting from Plaintiff’s inability to obtain a loan because of his credit file. Compl. ¶¶ 1, 2.


5. The Fair Credit Reporting Act (“FCRA”) expressly governs the reporting of information in consumers’ credit files and particularly regulates the procedures employed by a consumer reporting agency to investigate disputed credit information appearing on a consumer’s credit report. See, e.g., 15 U.S.C. §§ 1681e(b), 1681i, 1681n, 1681o. Plaintiff’s claims can only arise under, and are otherwise governed by, the FCRA, specifically 15 U.S.C. §§ 1681e(b) and 1681n. Accordingly, this Court has original subject matter jurisdiction over the above-captioned action, without regard to the amount in controversy. Lockard v. Equifax, Inc., 163 F.3d 1259, 1263-1265 (11th Cir. 1998).

6. Pursuant to 28 U.S.C. §1446(b), this action may be removed to this Court. This Notice is filed with the Court within thirty (30) days after Equifax received service of the Complaint.

7. Pursuant to 28 U.S.C. §1446(d), Equifax has provided written notice of the filing of this removal paper to Plaintiff and to the clerk of the State Court.

WHEREFORE, Equifax respectfully requests that this action be removed from the Justice of the Peace Court No. 9 in and for New Castle County, Delaware to the United States District Court for the District of Delaware.

SMITH, KATZENSTEIN & FURLOW LLP



Laurence V. Cronin (I.D. #2385)
800 Delaware Ave., 7th Floor
P.O. Box 410
Wilmington, DE 19899
(302) 652-8400
(302) 652-8405
Attorneys for Defendant Equifax
Information Services, LLC

April 28, 2006

Of Counsel:

Stanley A. Seymour, Esq.
Kilpatrick Stockton LLP
1100 Peachtree Street, Ste. 2800
Atlanta, GA 30309-4530
(404) 815-6500

NOTICE OF REMOVAL

EXHIBIT A

IN THE JUSTICE OF THE PEACE COURT OF
THE STATE OF DELAWARE, IN AND FOR COUNTY
COURT NO. 09

COURT ADDRESS:
JP COURT 09
757 NORTH BROAD STREET
MIDDLETOWN, DE 19709

CIVIL ACTION NO. J0603002709

RECEIVED

APR 17 2006

MAR 09 2006

1100
Secretary of State

GREG GUNTHER

----- VS -----

CBI/EQUIFAX CREDIT REPORTING , - AGENCY

CBI/EQUIFAX CREDIT REPORTING
P.O. BOX 740256
ATLANTA , GA 30374-0256

SUMMONS

TO ANY CONSTABLE OF SAID COUNTY OR OTHER DULY APPOINTED
PROCESS SERVER:

WE COMMAND YOU TO SUMMON CBI/EQUIFAX CREDIT REPORTING
THE DEFENDANT(S) TO ANSWER PLAINTIFF'S CLAIMS AGAINST THE
DEFENDENT(S) AS STATED IN THE ATTACHED COMPLAINT, AND SERVE UPON
SAID DEFENDANT(S) A COPY OF THIS SUMMONS AND COMPLAINT.
TO THE DEFENDANT(S):

WITHIN 15 DAYS AFTER YOU RECEIVE THIS SUMMONS, EXCLUDING THE
DAY YOU RECEIVE IT, YOU MUST COMPLETE AND RETURN TO THE ABOVE NAMED
JUSTICE OF THE PEACE COURT, THE ENCLOSED ANSWER (OR OTHER SUCH
FILING) IF YOU DENY OWING ALL OR PART OF THE MONEY CLAIMED AS A DEBT
AGAINST YOU BY THE PLAINTIFF IN THE COMPLAINT.

FAILURE TO FILE AN ANSWER, OR OTHER WRITTEN DOCUMENT RELATED TO
THIS CLAIM, WITH THE JUSTICE OF THE PEACE COURT MAY RESULT IN A
DEFAULT JUDGMENT BEING ENTERED AGAINST YOU AND ACTION MAY BE TAKEN
BY THE PLAINTIFF, SUCH AS THE ATTACHMENT OF YOUR WAGES OR THE
ATTACHMENT AND SALE OF YOUR PROPERTY, TO SATISFY THE JUDGMENT.

IN REPLEVIN ACTION: YOU ARE HEREBY ORDERED NOT TO
INTENTIONALLY DESTROY, DAMAGE, SELL OR CONCEAL THE PROPERTY IN
QUESTION. A VIOLATION OF THE ORDER COULD RESULT IN A CIVIL CONTEMPT
JUDGMENT BEING ISSUED AGAINST YOU, IN ACCORDANCE WITH 10 DEL.C. 9506

WAIVER OF JURY TRIAL: YOU ARE WAIVING TRIAL BY JURY.

IT IS SO ORDERED THIS 03/08/2006

 (SEAL)
JUSTICE OF THE PEACE/COURT OFFICIAL

CONSTABLE NOTES: See of STATE

SERVED ON: 9 MAR 06 1100 (DATE & TIME)

CONSTABLE: SPRICK

**IN THE JUSTICE OF THE PEACE COURT OF
THE STATE OF DELAWARE, IN AND FOR New Castle COUNTY
COURT NO. 9**

COURT ADDRESS

757 North Broad Street
Philadelphia PA 19109

CIVIL ACTION NO. 101003022709

PLAINTIFF(S)

1) Name Greg GuntherAddress 5002 Rosehedge LaneAlexandria VA 22302Phone (302) 369-1925 (702) 373-5029

2) Name _____

Address _____

Phone _____

Plaintiff's Attorney, if any:

NACheck One ☐ Individual ☐ Corporation or other
Artificial entity (see Supreme Court Rule 57)Type of Service:
(Check One)Court Service ☒
Special Process Server ☐

Type of Action:

Debt ☒Trespass ☐Replevin ☐Summary Possession ☐
(Landlord/Tenant)Breach of Contract ☐
Deficiency Judgment 6 Del. C. § 9-601 ☐

VS. DEFENDANT(S)

1) Name CR1 / CREDIT AX Credit Reporting AgencyAddress P.O. Box 710256Atlanta GA 30374-0256Phone 1-800-405-0081

2) Name _____

Address _____

Phone _____

Defendant's Attorney, if any:

Check One ☐ Individual ☒ Corporation or other
Artificial entity (see Supreme Court Rule 57)

Rental Unit Address: _____

COMPLAINT

1. Concise Statement of Facts: (Who, What, When, Where, How?)

The credit Bureau at this time is reporting false information regarding credit. I have on numerous occasions contacted this reporting agency with the false information and they have not corrected the information. I am filing this complaint for the purpose of removing the false information which is being reported. I am filing this complaint for the purpose of removing the false information which is being reported. I am filing this complaint for the purpose of removing the false information which is being reported.

IN TRESPASS ACTIONS: The injury caused by the trespass must be described by Plaintiff in the statement of facts:

2. Relief Sought:

\$ 14,000.00

Amount of money claimed. (Not including interest)

\$ _____

Pre Judgment Interest at or _____ % legal rate

_____ % contractual rate

\$ _____

Post Judgment Interest at the legal rate

OR contractual rate of _____ %

\$ 32.00

Court Costs.

\$ _____

Other Paid for attorney fees☐

Possession

Jury Trial Demanded (Possession Only):

☐ Yes☐ No☐

Return of personal property or \$ _____

Total value (Attach list of property stating description, number and value of items on 8 1/2" x 11" paper)

TO: THE COURT OF THE JUSTICES OF THE PEACE

Please docket the above-captioned case and issue a Summons to the above-named Defendant(s) to appear before you so there may be a trial on this case and judgment for the Plaintiff(s), together with interest and costs of this proceeding; or, for an Attachment in Lieu of Summons, please issue same and direct the Constable to execute the proper process. I acknowledge, that unless a jury trial is demanded for summary possession (Landlord Tenant cases), I waive trial by jury of the claims in this complaint.

4/28/2006

Date

[Signature]

Plaintiff or Plaintiff's Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of April 2006, two true and correct copies of the foregoing NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1446(a) were sent to the following by first class mail:

Greg Gunther
5002 Rosetree Lane
Newark, DE 19702



Laurence V. Cronin (ID No. 2385)

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

GREG GUNTHER

DEFENDANTS

EQUIFAX INFORMATION SERVICES LLC

(b) County of Residence of First Listed Plaintiff New Castle
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number) pro se
5002 Rosetree Lane
Newark, DE 19702 302-369-1925

Attorneys (If Known) Laurence V. Cronin
Smith, Katzenstein & Furlow LLP, P.O. Box 410
Wilmington, DE 19899 302-652-8400

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify) _____
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. §1446(a)

Brief description of cause:

Plaintiff claims defendant has reported false information in credit file.**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

4/28/06

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____